

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5801 of 2005

Between:

Peddada Subbarayudu, S/o.Venkanna Dora,
R/o.Nemam Village, Kakinada Rural Mandal,
East Godavari District.

..... PETITIONER

AND

Special Deputy Collector, & Land Acquisition officer, APICC LTD., camp office:
Industrial Development Area, Kakinada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the impugned action of the Respondent in not re-determining the claim of the petitioner under sec.28-A of Land Acquisition Act as illegal, arbitrary and violative of principles of natural justice etc and consequently direct the respondents to re-determine the claim of the petitioner herein under sec.28-A of the Land Acquisition Act, for the lands acquired under the Notification dated 21-02-1996 and Award No. 1/1998 dated 30-03-1998 and in the light of the judgment of OP No.86/1998 dated 30-12-2003 on the file of the court of the principal senior civil judge, Kakinada and grant such other just and consequential relief or reliefs as this Hon'le court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.K.LAKSHMANA RAJU

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court, at the stage of admission, made the following :

ORDER :

-

This Writ Petition is filed, seeking a declaration that the alleged action of the respondent in not re-determining the claim of the petitioner under Section 28-A of Land Acquisition Act (for short 'the Act') as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for the Land Acquisition appearing for the respondent.

As can be seen from the material on record, notification under Section 4(1) of the Act was published on 21.2.1996, in pursuance of which Award No.1 of 1998 was made on 30.3.1998. Thereafter, at the instance of some of the claimants, the matter was referred to the Civil Court and registered as O.P.No.86 of 1998 on the file of the Principal Junior Civil Judge, Kakinada and by award dated 30.10.2003 the compensation was enhanced to Rs.1,32,000/- from Rs.1,10,000/-.

The petitioner herein states that he was also one of the claimants under the same notification, but has not availed the reference under Section 18 of the Act, but subsequently made an application on 29.12.2003 under Section 28-A of the Act requesting for re-determination of the compensation. The grievance of the petitioner is that the respondent has not considered the said application and no further steps have taken so far. Hence this Writ Petition.

The learned Government Pleader for the Land Acquisition under instructions states that the application of the petitioner was received by the Respondent within the time prescribed under Section 28-A of the Act.

In the circumstances, the Writ Petition is disposed of with a direction to

the respondent to consider the application of the petitioner dated 29.12.2003, if the same is found to be in order and re-determine the compensation in the light of the orders passed by the reference Court in O.P.No.86 of 1998 and pass appropriate orders in accordance with Law as expeditiously as possible, preferably within a period of three months from the date of receipt of the copy of this Order. No order as to costs.

20th April 2005

BCS

Note:-

Issue C.C. in one week.

B/o

BCS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Special Deputy Collector, & Land Acquisition officer, APICC LTD.camp
office: Industrial Development Area, Kakinada.
2. 2 CCs to the G.P.for Land Acquisition, A.P.High Court Buildings,
Hyderabad (OUT).
3. 2 CD copies